

# **GRENADA 2019 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Grenada is a parliamentary democracy with a bicameral legislature. Observers considered the March 2018 elections to be generally free and fair. The New National Party won all 15 seats in the House of Representatives and selected Keith Mitchell as prime minister.

The Royal Grenada Police Force has the responsibility for law enforcement and reports to the Ministry of National Security. The country does not have a military force. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included criminalization of consensual same-sex sexual activity between men, although the law was not enforced during the year.

The government investigated and prosecuted officials who committed human rights abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices, and there were no reports government officials employed them, with the exception of flogging for traffic violations, theft of agricultural products, petty larceny, and other crimes.

#### **Prison and Detention Center Conditions**

Prison and detention center conditions did not meet international standards. Overcrowding was a serious problem.

Physical Conditions: In August there were 443 prisoners in the country's sole penitentiary, which was designed for 198 persons. The Grenada Human Rights Organization claimed the prison often held up to six to eight prisoners per cell, exceeding the UN recommendation of no more than three prisoners per cell. In the male block, potable water normally was available in prison hallways but not in the cells.

Administration: Authorities investigated credible allegations of mistreatment.

Independent Monitoring: The prison-visiting committee is composed of nongovernmental persons. The prison welfare officer conducted monthly visits and received allegations of mistreatment.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge in court the lawfulness of his or her arrest or detention. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

The law permits police to detain persons on suspicion of criminal activity without a warrant, but police must bring formal charges within 48 hours. Authorities generally respected this limit. Authorities granted detainees access to a lawyer of their choice and family members within 24 hours. The law provides for a judicial determination of the legality of detention within 15 days of arrest. Police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There is a functioning bail system, although persons charged with capital offenses are not eligible. A judge may set bail for detainees charged with treason only upon a recommendation from the governor general.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

## **Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

There is a presumption of innocence. The law protects persons against self-incrimination. Persons have the right to be informed promptly of the charges against them. The law requires the police to explain a person's rights upon arrest. Defendants have the right to a trial without undue delay, although case backlogs meant periods of several months to a year before many cases went to trial. Trials are open to the public unless the charges are sexual in nature or a minor is involved. The law allows defendants the right be present at their trial and to seek the advice of legal counsel. Defendants have the right for a defense lawyer to be present during interrogation and for the lawyer to advise the accused on how to respond to questions. Defendants and their counsel generally had adequate time and facilities to prepare a defense as well as free assistance of an interpreter. Defendants have the right to confront their accusers, present evidence, and call witnesses. The accused has the right to remain silent and to appeal.

The court appoints attorneys for indigents in cases of murder or other capital crimes. In appeals of criminal cases, the court appoints a lawyer if the defendant is unable to afford counsel. According to the Grenada Human Rights Organization, many defendants could not afford private legal counsel, and the government lacked adequate legal aid resources to meet the demand for free legal aid. With the exception of foreign-born drug-crime suspects or persons charged with murder, the courts granted bail to most defendants awaiting trial.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary for civil matters, including human rights violations. Defendants may appeal any High Court decision, including human rights decisions, to the Eastern Caribbean Supreme Court.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. Independent media were active and expressed a wide variety of views without restriction.

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

#### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Internally Displaced Persons**

Not applicable.

**f. Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has no established formal channels for providing protection to refugees or asylum seekers.

**g. Stateless Persons**

Not applicable.

**Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

**Elections and Political Participation**

Recent Elections: In general elections held in March 2018, the New National Party won all 15 seats in the House of Representatives, defeating the largest opposing party, the National Democratic Congress. The Organization of American States observer mission deemed the elections generally free and fair.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate.

**Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal, civil, and administrative penalties for corruption by officials and was implemented effectively. Nonetheless, there were allegations, particularly among the political opposition and some media outlets, of government corruption. The Integrity in Public Life Commission is responsible for combating corruption, while the Ombudsman's Office, as an independent organ with the powers to investigate maladministration, has an anticorruption role as well.

Corruption: There were no cases or specific allegations of government corruption during the year.

Financial Disclosure: The law requires all elected officials and members of the Integrity in Public Life Commission to report their income and assets. The commission monitors and verifies disclosures but does not publicly disclose them

except in court. The commission must note in the official gazette failure to file a disclosure. If the office holder in question fails to file in response to this notification, the commission may seek a court order to enforce compliance, and a judge may impose conditions as deemed appropriate.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The ombudsman has authority to investigate complaints from persons who object to government actions they deem unfair, abusive, illegal, discriminatory, or negligent.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and stipulates a sentence of flogging or up to 30 years' imprisonment for a conviction of any nonconsensual form of sex. Authorities referred charges involving rape or related crimes for prosecution and generally enforced the law.

The law prohibits domestic violence and provides for penalties at the discretion of the presiding judge based on the severity of the offense. The law allows for a maximum penalty of 30 years' imprisonment. The central statistical office reported cases of domestic violence against both women and men. Police and judicial authorities usually acted promptly in cases of domestic violence. According to women's rights monitors, violence against women nevertheless remained a serious and pervasive problem.

Sexual Harassment: The law prohibits sexual harassment, but there were no criminal penalties for it. The government noted it was a persistent problem.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women generally enjoyed the same legal status and rights as men, and there was no evidence of formal discrimination in education. The law mandates equal pay for equal work.

## **Children**

Birth Registration: Citizenship is derived from birth in the country or, if abroad, by birth to a Grenadian parent upon petition. All births were promptly registered.

Child Abuse: Government social service agencies reported cases of child abuse, including physical and sexual abuse, and had programs to combat child abuse. Authorities placed abused children in either a government-run home or private foster homes. The law stipulates penalties ranging from five to 15 years' imprisonment for those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest.

Early and Forced Marriage: The legal minimum age for marriage is 21, although persons as young as 18 may be married with parental consent in writing.

Sexual Exploitation of Children: A statutory rape law applies when the victim is 16 years old or younger. The penalty is 30 years' imprisonment if the victim is younger than age 14, and it is 15 years' imprisonment if the victim is 14 to 16 years of age. The law prohibits the posting and circulation of child pornography. The law also prohibits the importation, sale, and public display of pornography. The law prohibits sale and trafficking of children for prostitution, for the production of pornography, or for pornographic performances.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There is a small Jewish community. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

There were no confirmed reports during the year that Grenada was a source, destination, or transit country for victims of human trafficking.

### **Persons with Disabilities**

Discrimination against persons with disabilities is generally prohibited, and there were no reports of discrimination against persons with disabilities. Although the law does not mandate access to public transportation, services, or buildings, building owners increasingly incorporated accessibility features during new construction and renovations. The government provided for special education throughout the school system; however, most parents chose to send children with disabilities to special education schools, believing those schools offered better conditions for learning.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activities between men and provides penalties of up to 10 years' imprisonment. The government did not actively enforce the law. The law makes no provision for same-sex sexual activities between women. No laws prohibit discrimination in employment, housing, education, or health care against a person based on sexual orientation or gender identity.

### **HIV and AIDS Social Stigma**

It was common for family members to shun persons with HIV/AIDS. Persons with HIV/AIDS also faced discrimination in housing and employment.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent labor unions, participate in collective bargaining, and, with some restrictions, conduct legal strikes. The law prohibits antiunion discrimination. It requires employers to recognize a union that represents the majority of workers in a particular business but does not oblige employers to recognize a union unless the majority of the workforce belongs to the union.



While workers in essential services have the right to strike, the labor minister may refer disputes involving essential services to compulsory arbitration. The government's list of essential services is broad and includes services not regarded as essential by the International Labor Organization. Essential services in the government's list include electricity and water; public-health sectors, including sanitation; airport, air traffic, seaport, and dock services (including pilotage); fire departments; telephone and telegraph companies; prisons and police; and hospital services and nursing.

The government respected freedom of association and the right to collective bargaining. Employers generally recognized and bargained with unions even if a majority of the workforce did not belong to a union.

The government generally enforced labor laws. Penalties were sufficient to deter violations. Administrative and judicial procedures related to labor were subject to lengthy delays and appeals. Labor organizations sought a change in labor laws to ensure timely resolution of disputes following labor action.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, and specifically prohibits the sale or trafficking of children for exploitive labor. The government effectively enforced the law, and the penalties were sufficient to deter violations. The law requires the use of force, threats, abuse of power, or other forms of coercion for trafficking to be considered an offense.

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The statutory minimum age for employment of children is 16 years. The law permits employment of children younger than 18 as long as employers meet certain conditions related to hours, insurance, and working conditions set forth in the labor code. There is no explicit prohibition against children's involvement in hazardous work. The law allows holiday employment for children younger than age 16 but does not specify the minimum age, types of work, or number of hours permitted for such work.

Inspectors from the Ministry of Labour enforced the minimum age provision in the formal sector through periodic checks. Enforcement in the informal sector was insufficient, particularly for family farms. Penalties were sufficient to deter violations.

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in respect to employment or occupation based on race, color, national extraction, social origin, religion, political opinion, sex, age, or disability. The law does not prohibit discrimination in respect to employment or occupation based on language, HIV-positive status or other communicable diseases, sexual orientation, or gender identity. There is no penalty for violating the law, but authorities stated the country adheres to International Labor Organization guidelines and standards. In general the government effectively enforced the law and regulations.

#### **e. Acceptable Conditions of Work**

The law provides for a national minimum wage, which was above the poverty income rate

The government sets health and safety standards. Workers can remove themselves from situations endangering health or safety without jeopardizing their employment if they reasonably believe the situation presents an imminent or serious danger to life or health.

Enforcement involving wages, hours, occupational safety, and other elements is the responsibility of the Ministry of Labour. Labor inspectors are responsible for the full range of labor rights inspections, including workplace safety and the right to organize. Labor officers worked with employers in sectors such as energy, agriculture, and construction to promote appropriate clothing, health checks, and pesticide safety. The government effectively enforced minimum wage requirements and reported no violations of the law concerning working hours. The government did not always enforce occupational health and safety regulations. There were no major industrial accidents during the year.

The government informally encouraged businesses to rectify violations without resorting to formal channels for compliance that included fines and penalties. The government provided no information on the amount the law sets for fines or other penalties.